

**REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
TUESDAY, March 2, 2010
7:30 p.m.**

Mayor Ray Ewing called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

Council member Harter gave the invocation.

Roll call showed the following present:

Vice Mayor Joy Shull, Council member Ronald Bowers, Council member Linden A. Fravel, Jr., Council member Michael Grim, Council member James Harter

Absent: Council member Joseph Hollis

Staff present: Mike Kehoe, Town Manager; Brian Henshaw, Town Planner; David Griffin, Town Attorney; Charles Bockey, Chief of Police, Stephens City Police Department; Kim Uttenweiler, Town Treasurer; Dianne MacMillan, Town Clerk

Press: Stephanie Mangino, Winchester Star

Guests: Mr. and Mrs. Ohaneson (New Beginnings Community Church), Brenda K. Myers (Aunt B's Specialty and Bake Shop)

AGENDA

Council member Fravel moved that the Agenda be adopted as presented and the motion passed.

PUBLIC COMMENTS

The Mayor opened the floor for public comment. There being none, the public comment period was closed.

PUBLIC HEARINGS

Capital Improvement Plan – Updated

Mayor Ewing asked Town Planner, Brian Henshaw to introduce the CIP. Mr. Henshaw reported that the Capital Improvement Plan was reviewed by the Planning Commission at its January meeting and recommended Council approval. He said the summary and narrative had been provided to Council for review. Mayor Ewing opened the Public Hearing and asked for questions or comments from Council or the public. There being none, the Public Hearing was closed.

Special Use Permit – 5029 Main St. – New Beginnings Community Church

Mr. Henshaw advised that the Planning Commission reviewed the special use permit request at its January meeting and recommended Council approval with conditions addressing parking. Mr. and Mrs. Ohaneson, Pastors for the Church were present to answer any questions. Mayor Ewing opened the Public Hearing and asked for questions or comments. There being none, the Public Hearing was closed.

Special Use Permit – 5187 Main St. – Aunt B’s Specialty and Bake Shop

Mr. Henshaw again advised that the Planning Commission reviewed the permit application and recommended Council approval with conditions as noted. Mayor Ewing asked for questions or comments. There being none the Public Hearing was closed.

MINUTES – February 4, 2010 Regular Meeting

Vice Mayor Shull moved for approval of the minutes of February 4, 2010 as presented and the motion carried with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye	Nays - None
Council member Bowers	-	Aye	
Council member Fravel	-	Aye	
Council member Grim	-	Aye	
Council member Harter	-	Aye	
Abstain – None			
Absent – Council member Hollis			

TREASURERS REPORT – Kim Uttenweiler

Mayor Ewing asked for any comments or questions regarding the Treasurer’s report. There were none and the report was accepted as presented.

POLICE REPORT – Charles Bockey, Chief

Chief Bockey reported that February had been a busy month topped off by the snow emergency. He said that all went smoothly as far as keeping cars off the snow emergency route – Main Street. The Police Report was accepted as presented.

ACTION AGENDA

A. Special Use Permit – 5029 Main Street – New Beginnings Community Church

Mayor Ewing stated that the Special Use Permit had been recommended by the Planning Commission and asked for a motion.

Council member Fravel moved that the Council of the Town of Stephens City approve the Special Use Permit SUP 10-01, 5029 Main Street, New Beginnings Community Church as it

does not conflict with any of the Town's goal as presented within the Town's Comprehensive Plan and continues to build upon Goal #1 of maintaining and enhancing the small town character and building a sense of community, with the condition that parking be limited to the shopping center parking lot where the Church is located. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye	Nays - None
Council member Bowers	-	Aye	
Council member Fravel	-	Aye	
Council member Grim	-	Aye	
Council member Harter	-	Aye	

Abstain – None

Absent – Council member Hollis

B. Special Use Permit – 5187 Main Street – Aunt B's Specialty & Bake Shop

Mayor Ewing stated that the Planning Commission recommended Council approval of the SUP and called for a motion.

Council member Fravel moved that the Council of the Town of Stephens City approve the Special Use Permit SUP 10-02, 5187 Main Street for Aunt B's Specialty & Bake Shop as it is allowed within the Zoning Ordinance in Division 5, Residential District R-O Section 23-332 (12) and defined in Section 23-3 as a Specialty Shop and furthermore, the application achieved goal 5.3 within the Comprehensive Plan and commercial businesses along major corridors; and with the following conditions: that the storage of construction vehicles or equipment would be removed from the front of the building due to the change in use, that the parking lot be brought to a suitable sub-grade for drainage and the parking lot be paved, with chip and tar being an acceptable paving method. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye	Nays - None
Council member Bowers	-	Aye	
Council member Fravel	-	Aye	
Council member Grim	-	Aye	
Council member Harter	-	Aye	

Abstain – None

Absent – Council member Hollis

C. Adoption of CIP

Mayor Ewing asked Mr. Kehoe for input on the updated CIP. Mr. Kehoe said the Town was getting an early start by adopting the CIP and added that the primary projects were the sewer system upgrade and sewer line improvements. The Mayor asked for discussion or questions and there were none.

Council Member Grim moved that the Council of the Town of Stephens City adopt the Capital Improvement Plan as presented. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye	Nays - None
Council member Bowers	-	Aye	
Council member Fravel	-	Aye	
Council member Grim	-	Aye	
Council member Harter	-	Aye	

Abstain – None

Absent – Council member Hollis

D. Resolution In Support of Fair Housing

Mr. Henshaw explained that the resolution would show the Town's support for fair housing and would meet requirements for the Crooked Lane CDBG project. He said after adoption, the resolution would be advertised in local newspapers demonstrating the Town's support of Fair Housing and completing the requirement.

Council member Harter moved that the Council of the Town of Stephens City adopt the Resolution in support of Fair Housing. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye	Nays - None
Council member Bowers	-	Aye	
Council member Fravel	-	Aye	
Council member Grim	-	Aye	
Council member Harter	-	Aye	

Abstain – None

Absent – Council member Hollis

E. Appointment to Board of Zoning Appeals

Mayor Ewing stated that a vacancy on the Board of Zoning Appeals needed to be filled and Willey Dembeck had agreed to serve if selected.

Vice Mayor Shull moved that the Town Council recommend Willey Dembeck to the Circuit Court to be appointed to fill the vacancy on the Board of Zoning Appeals. The motion passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye	Nays - None
Council member Bowers	-	Aye	
Council member Fravel	-	Aye	
Council member Grim	-	Aye	
Council member Harter	-	Aye	

Abstain – None

Absent – Council member Hollis

COMMITTEE REPORTS

A. Administrative Committee – Joseph Hollis, Chair

No report.

B. Finance Committee – Joseph Hollis, Chair

No report.

C. Water/Sewer Committee – Joy Shull, Chair

Vice Mayor Shull reported that the Committee discussed several issues but wanted to address a problem with water line breaks. She said that one home owner used over 800,000 gallons of water due to broken water lines that went undetected. This made the bill very high. Vice Mayor Shull stated that the Committee proposed a policy to be used in such unusual cases.

Vice Mayor Shull moved that a policy be established for unusual situations as determined by Town staff to waive sewer charges for excessive amounts of usage caused by leaks and charging the base rate paid by the Town to Frederick County Sanitation Authority for water over and above normal usage and to allow scheduled payment on the resulting bill over a period of one year. The motion was passed with the following recorded vote:

Recorded Vote:

Vice Mayor Shull	-	Aye	Nays - None
Council member Bowers	-	Aye	
Council member Fravel	-	Aye	
Council member Grim	-	Aye	
Council member Harter	-	Aye	

Abstain – None

Absent – Council member Hollis

D. Personnel Committee – James Harter, Chair

No report

E. Parks and Recreation Commission – Ronald Bowers, Chair

No report at this time.

F. Public Safety Committee – Ronald Bowers, Chair

Council member Bowers said he would like to set a meeting for the Committee.

PLANNER'S REPORT – Brian Henshaw

Mr. Henshaw asked if there were any questions or comments from the Council members on the Planner's Report or the Planning Commission Annual report submitted with the agenda and there were none. The reports were accepted as presented.

TOWN MANAGERS REPORT

1. Mr. Kehoe stated that it was good to see there would be more businesses in the downtown to fill empty buildings on Main Street with the approval of the special use permits.
2. He also reported that renovation and restoration work had begun on the building at 5851 Main Street. He added that the Stephens City barber shop had reverted back to an alleyway. He said the owner had applied for historic tax credits for this project.
3. Mr. Kehoe advised that since VDOT had approved the renovation plan for the old school, a pre-bid meeting for the window restoration project would be held on March 12th at 2:00 p.m. Bids will be accepted until March 26th at 4:00 p.m.
4. Mr. Kehoe reported that the Town staff and police worked hard on snow removal and snow removal operations had totaled thus far \$12,383.00 for this winter. He said that of that amount the Town had submitted to FEMA \$10,699.00 to be reimbursed through Frederick County emergencies services. The eligible dates were between February 5th and 11th. He added that the Town had also submitted to VDOT the sum of \$1500.00 for snow removal on February 11th and 12th.
5. Mr. Kehoe told the Council that the Regional Planning District Commission had requested that Stephens City list the priority projects to be submitted for potential grant applications. He suggested that unless Council disagreed, the top three priorities would be sewer improvements, the old school renovation and relocation and construction of a new stage at the Newtown Commons. Mayor Ewing asked if any of the proposed North Main Street enhancement projects could be added to the list. Mr. Kehoe said that there could be some Parks and Recreation grants for trails but these would be very limited. It was suggested that North Main Street improvements be added as a fourth priority.

COUNCIL COMMENTS/CALENDAR

Mayor Ewing said Council member Bowers wanted to schedule a meeting of the Public Safety Committee. By consensus the meeting was set for Thursday, March 11 at 7:00 p.m. The remainder of the calendar would stand as written unless the members were advised otherwise.

There being no further business, Council member Grim moved to adjourn at 7:55 p.m. and the motion carried.

Ray E. Ewing, Mayor Ray Ewing

Diane L. MacMillan, CMC, Town Clerk